

# Exhibit P

Part 4

WILLIAM J. GOINES (SBN: 61290)  
 CINDY HAMILTON (SBN: 217951)  
 LINDSAY E. HUTNER (SBN: 238998)  
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Attorneys for Plaintiffs in M115143 / Defendants in M112710  
 and Defendant Stanley Harrelson

SUPERIOR COURT OF THE STATE OF CALIFORNIA  
 FOR THE COUNTY OF MONTEREY

MONTEREY BAY MILITARY HOUSING,  
 LLC, et al.,

Plaintiffs;

v.

PINNACLE MONTEREY LLC, et al.,

Defendants.

Case No. M112710 (M115143)

**[PROPOSED] ORDER GRANTING  
 JENNIFER B. MOORE'S APPLICATION TO  
 APPEAR PRO HAC VICE ON BEHALF OF  
 DEFENDANTS PINNACLE MONTEREY  
 LLC, PINNACLE IRWIN LLC, AMERICAN  
 MANAGEMENT SERVICES CALIFORNIA  
 INC., AND AMERICAN MANAGEMENT  
 SERVICES LLC (D/B/A PINNACLE)**

Date: March 7, 2014  
 Time: 9:00 a.m.  
 Dept: 15

Defendants and Consolidated Plaintiffs Pinnacle Monterey LLC and Pinnacle Irwin LLC and  
 Defendants/Cross-Complainants American Management Services California Inc. and American  
 Management Services LLC's Application pursuant to Rule 9.40 of the California Rules of Court for  
 an Order permitting Jennifer B. Moore of Greenberg Traurig, LLP to appear *pro hac vice* in this  
 matter as an attorney of record for Defendants came regularly before me.

**FILED**

**MAR 11 2014**

**KENT TORRE**  
 CLERK OF THE SUPERIOR COURT  
 DEPUTY


W.G. RAGLAND

FILED BY FACSIMILE

1 Having considered all papers filed in support of the Application, the Court finds that good  
2 cause exists for granting the Application.

3 IT IS HEREBY ORDERED THAT the Application is granted in its entirety and Jennifer B.  
4 Moore of Greenberg Traurig, LLP, is hereby admitted *pro hac vice* to act as counsel of record in this  
5 action on behalf of Defendants.

6  
7 Dated: 3/11/2014

  
\_\_\_\_\_  
Judge of the Superior Court  
SUSAN J. MATCHAM

Monterey Bay Military Housing, et al. v. Pinnacle Monterey LLC, et al.

Case No. M112710(M115143)

### PROOF OF SERVICE

I, Cathy Sandifer, declare that I am a citizen of the United States, over the age of eighteen years and not a party to the within action. I am an employee of GREENBERG TRAURIG, LLP, and my business address is 1900 University Avenue, Fifth Floor, East Palo Alto, CA 94303. On the date set forth below, I served the following documents:

**[PROPOSED] ORDER GRANTING APPLICATION OF JENNIFER B. MOORE TO APPEAR *PRO HAC VICE* ON BEHALF OF PINNACLE MONTEREY LLC, PINNACLE IRWIN LLC, AMERICAN MANAGEMENT SERVICES CALIFORNIA INC., AND AMERICAN MANAGEMENT SERVICES LLC (D/B/A PINNACLE)**

- ☐ by transmitting via **FACSIMILE** the document(s) listed above to the fax number(s) set forth below, or as stated on the attached service list, on this date at approximately \_\_\_\_\_, from the sending facsimile machine telephone number of 650-289-7893. The transmission was reported as complete and without error by the machine. Pursuant to California Rules of Court, Rule 2008(e)(4), I caused the machine to print a transmission record of the transmission, a copy of which is attached to the original of this declaration. The transmission report was properly issued by the transmitting facsimile machine.
- ☒ by placing the document(s) listed above in a sealed envelope with postage thereon fully prepaid, in the **UNITED STATES MAIL** at East Palo Alto, California, addressed as set forth below.
- ☐ by **OVERNIGHT MAIL** by placing the document(s) listed above in a sealed overnight mail envelope with postage thereon fully prepaid, addressed as set forth below.
- ☒ **(BY ELECTRONIC MAIL ("EMAIL") SERVICE.** I caused such document(s) to be transmitted electronically to the email addresses as set forth below.
- ☐ **(BY MESSENGER PERSONAL SERVICE).** I caused delivery of such envelope by hand via courier service to the offices of the addressee.

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amy.crawford@kirkland.com;  
yfrench@kirkland.com

**VIA EMAIL AND U.S. MAIL:**

**Counsel for Lockton Companies LLC, et al.**

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Delilah Vinzon  
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**Counsel for Lockton Companies, et al.**

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**Counsel for John Goodman and Goodman  
Real Estate**

Douglas R. Young  
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kkimmey@fbm.com; jteaford@fbm.com

I am readily familiar with the business practice of my place of employment in respect to the collection and processing of correspondence, pleadings and notices for mailing with United States Postal Service/Express Mail, Federal Express and other overnight mail services. The foregoing sealed envelope was placed for collection and mailing this date consistent with the ordinary business practice of my place of employment, so that it will be picked up this date with postage thereon fully prepaid at East Palo Alto, California, in the ordinary course of such business.

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct. Executed on January 31, 2014, at East Palo Alto, California.

  
Cathy Sandifer

1 Linda Dakin-Grimm (SBN 119630)  
2 Delilah Vinzon (SBN 222681)  
3 MILBANK, TWEED, HADLEY & MCCLOY LLP  
4 601 South Figueroa Street, 30th Floor  
5 Los Angeles, CA 90017  
6 Telephone: (213) 892-4000  
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8 Scott A. Edelman (Admitted *Pro Hac Vice*)  
9 Elizabeth M. Virga (Admitted *Pro Hac Vice*)  
10 MILBANK, TWEED, HADLEY & MCCLOY LLP  
11 1 Chase Manhattan Plaza  
12 New York, NY 10005-1413  
13 Tel: (212) 530-5000  
14 Fax: (212) 530-5219

15 *Attorneys for Lockton Companies, LLC and*  
16 *Denver Series of Lockton Companies, LLC*

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SUPERIOR COURT OF THE STATE OF CALIFORNIA  
FOR THE COUNTY OF MONTEREY

MONTEREY BAY MILITARY  
HOUSING, LLC, et al.,

Plaintiffs,

vs.

PINNACLE MONTEREY LLC, et al.,

Defendants.

Case No.: M 112710 (M115143)

*LCNC*  
**[Proposed] ORDER ON DEFENDANTS  
LOCKTON COMPANIES, LLC AND DENVER  
SERIES OF LOCKTON COMPANIES, LLC'S  
MOTION FOR ORDER DETERMINING  
GOOD FAITH SETTLEMENT**

Date: March 19, 2014  
Time: 1:30 p.m.  
Dept: 14

1 A hearing on Defendants Lockton Companies, LLC and Denver Series of Lockton  
2 Companies, LLC's ("Lockton") Motion for Order Determining Good Faith Settlement was heard on  
3 March 19, 2014, at 1:30 p.m. in Department 14 of the above-titled Court.

4 After review of the papers and file herein, and after receipt of argument, the Court finds and  
5 orders as follows:

6 1. The Settlement Agreement entered into between Plaintiffs, Lockton, and Clark Realty  
7 Capital L.L.C. and their respective affiliates on February 26, 2014 was entered into in good faith  
8 pursuant to California Code of Civil Procedure § 877.6.

9 2. Lockton is discharged from any claims for total or partial equitable contribution and/or  
10 indemnity that may be brought by any other party to this action.

11  
12  
13 \_\_\_\_\_  
Date

  
\_\_\_\_\_  
Judge of the Superior Court



(SIGNATURE)

## (SIGNATURE OF DECLARANT)



CIV-110

|   |  |   |
|---|--|---|
| ATTORNEY OR PARTY WITHOUT ATTORNEY (Name, State Bar number, and address):<br>Linda Dakin-Grimm (SBN 119630); Delilah Vinzon (SBN 222681)<br>Milbank, Tweed, Hadley & McCloy LLP, 601 S. Figueroa Street 30th Fl., Los Angeles, CA 90017<br>TELEPHONE NO.: 213-892-4000 FAX NO. (Optional): 213-629-5063<br>E-MAIL ADDRESS (Optional): ldakin-grimm@milbank.com<br>ATTORNEY FOR (Name): Lockton Companies, LLC and Denver Series of Lockton Companies, LLC |  | FOR COURT USE ONLY<br><br><h1 style="text-align: center;">FILED</h1><br>MAR 25 2014<br>KEN TORRE<br>CLERK OF THE SUPERIOR COURT<br><u>Alina Oliver</u> DEPUTY |
| SUPERIOR COURT OF CALIFORNIA, COUNTY OF Monterey<br>STREET ADDRESS: 1200 Aguajito Road<br>MAILING ADDRESS:<br>CITY AND ZIP CODE: Monterey, CA 93940<br>BRANCH NAME: Monterey  |  |   |
| PLAINTIFF/PETITIONER: Monterey Bay Military Housing, LLC, et al.<br>DEFENDANT/RESPONDENT: Pinnacle Monterey LLC, et al.   |  |   |
| REQUEST FOR DISMISSAL   |  |   |
| A conformed copy will not be returned by the clerk unless a method of return is provided with the document.   |  | CASE NUMBER: M112710 (M115143)  |
| This form may not be used for dismissal of a derivative action or a class action or of any party or cause of action in a class action. (Cal. Rules of Court, rules 3.760 and 3.770.)  |  |   |

## 1. TO THE CLERK: Please dismiss this action as follows:

a. (1) ☒ With prejudice (2) ☐ Without prejudiceb. (1) ☐ Complaint (2) ☐ Petition(3) ☐ Cross-complaint filed by (name):

on (date):

(4) ☐ Cross-complaint filed by (name):

on (date):

(5) ☐ Entire action of all parties and all causes of action(6) ☒ Other (specify):\* All causes of action against Lockton Companies, LLC and Denver Series of Lockton Companies, LLC

## 2. (Complete in all cases except family law cases.)

The court ☐ did ☒ did not waive court fees and costs for a party in this case. (This information may be obtained from the clerk. If court fees and costs were waived, the declaration on the back of this form must be completed).

Date:

March 25, 2014

(TYPE OR PRINT NAME OF ☒ ATTORNEY ☐ PARTY WITHOUT ATTORNEY)

\*If dismissal requested is of specified parties only of specified causes of action only, or of specified cross-complaints only, so state and identify the parties, causes of action, or cross-complaints to be dismissed.

Attorney or party without attorney for:

☐ Plaintiff/Petitioner☒ Defendant/Respondent☐ Cross-Complainant

## 3. TO THE CLERK: Consent to the above dismissal is hereby given.\*\*

Date: March 25, 2013

Stipulation filed by Plaintiffs and Defendants Attached

(TYPE OR PRINT NAME OF ☒ ATTORNEY ☐ PARTY WITHOUT ATTORNEY)

\*\* If a cross-complaint – or Response (Family Law) seeking affirmative relief – is on file, the attorney for cross-complainant (respondent) must sign this consent if required by Code of Civil Procedure section 581 (i) or (j).

Attorney or party without attorney for:

☐ Plaintiff/Petitioner☒ Defendant/Respondent☐ Cross-Complainant

(To be completed by clerk)

4. ☐ Dismissal entered as requested on (date):5. ☒ Dismissal entered on (date): MAR 25 2014 as to only (name): 1. a. (i) b. (b) only6. ☐ Dismissal not entered as requested for the following reasons (specify):7. a. ☒ Attorney or party without attorney notified on (date): APR 02 2014b. ☐ Attorney or party without attorney not notified. Filing party failed to provide☐ a copy to be conformed ☐ means to return conformed copy

Alina Oliver

Date: MAR 25 2014 KEN TORRE Clerk, by \_\_\_\_\_, Deputy

FILED BY FACSIMILE

**SERVICE LIST**

**Monterey Bay Military Housing, LLC et al. v. Pinnacle Monterey LLC, et al.**  
**Case No.: M 112710 (M115143)**

William J. Goines, Esq.  
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1900 University Ave., 5<sup>th</sup> Floor  
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Attorneys for: Plaintiffs/Cross-Defendants (M112710); Defendants (M115143)

**SUPERIOR COURT OF THE STATE OF CALIFORNIA**

**COUNTY OF MONTEREY**

Monterey Bay Military Housing, LLC,  
et al.,

Plaintiffs,

vs.

Pinnacle Monterey LLC, et al.,

Defendants.

And related consolidated action.

Case No. M 112710 (M115143)

**NOTICE OF ENTRY OF  
ORDER**

Notice is hereby given that on April 30, 2014 the Court entered the attached  
Order After *Ex Parte* Hearing to Continue Trial for the *ex parte* hearing of April 9,  
2014 in this matter.

5/2/14

Date

Justin M. O'Connell, Esq.

///

///

**FILED**

APR 30 2014

TERESA A. RISI  
CLERK OF THE SUPERIOR COURT  
DEPUTY

K. BARTLETT

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Attorneys for: Plaintiffs

SUPERIOR COURT OF THE STATE OF CALIFORNIA

COUNTY OF MONTEREY

Monterey Bay Military Housing, LLC,  
et al.,

Plaintiffs,

vs.

Pinnacle Monterey LLC, et al.,  
Defendants.

And related consolidated action and cross-  
complaint.

Case No. M 112710 (M115143)

**ORDER AFTER *EX PARTE*  
HEARING TO CONTINUE  
TRIAL**

Date: April 9, 2014  
Time: 1:30 p.m.  
Dept: 14

On April 9, 2014, at 1:30 p.m. before the Honorable Thomas W. Wills, the Court heard Plaintiffs' *Ex Parte* Motion to Continue Trial. Counsel for all remaining parties were present, and all counsel stipulated to continue the June 27, 2014 settlement conference to October 24, 2014, to continue the August 4, 2014 trial to February 2, 2015, and to continue all deadlines to coincide with the new trial date as if it were the initial trial date (e.g., discovery cut-offs, expert witness information exchanges and summary judgment motions).

///

IT IS HEREBY ORDERED THAT the June 27, 2014 Settlement Conference is continued to October 24, 2014, at 1:30 p.m. to be assigned out of Department 14, that the August 4, 2014 trial is continued to February 2, 2015, at 8:30 a.m. to be assigned out of Department 14, that all deadlines will coincide with the new trial date as if it were the initial trial date (e.g., discovery cut off, expert witness information exchanges and summary judgment motions), and that a trial management conference is set for JANUARY 23, 2015, at 1:30 pm, to be assigned out of Department 14.

*THW*  
THOMAS W. WILLS

Date: \_\_\_\_\_  
Judge of the Superior Court

Approved as to form and content,

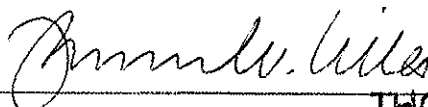
**" SEE ATTACHED "**

Date: \_\_\_\_\_  
William J. Goines, Esq.

Date: 04/11/2014  
*Karen P. Kimmey*  
Karen P. Kimmey, Esq.

**FILED BY FACSIMILE**

IT IS HEREBY ORDERED THAT the June 27, 2014 Settlement Conference is continued to October 24, 2014, at 1:30 p.m. to be assigned out of Department 14, that the August 4, 2014 trial is continued to February 2, 2015, at 8:30 a.m. to be assigned out of Department 14, that all deadlines will coincide with the new trial date as if it were the initial trial date (e.g., discovery cut off, expert witness information exchanges and summary judgment motions), and that a trial management conference is set for JANUARY 23, 2015, at 1:30 pm, to be assigned out of Department 14.

Date: 7/27/14


THOMAS W. WILLS

Judge of the Superior Court

Approved as to form and content,

Date: 8-10-14


William J. Goines, Esq.

FILED BY FACSIMILE

Date: \_\_\_\_\_

"SEE ATTACHED"

Karen P. Kimmey, Esq.

**MONTEREY BAY HOUSING v. PINNACLE MONTEREY**      **CASE NO. M 112710**  
**(M115143)**

**PROOF OF SERVICE**

I am employed in the County of Monterey, State of California. I am over the age of eighteen years and not a party to the within action. My business address is 134 Central Avenue, Salinas, California.

On May 2, 2014, I caused the following documents entitled:

**NOTICE OF ENTRY OF ORDER**

to be served on the party(ies) or its (their) attorney(s) of record in this action listed below by the following means:

☒ BY MAIL. By placing a true copy thereof in a sealed envelope (with postage affixed thereto) in the U.S. Mail at the Law Office of Ronald S. Granberg, 134 Central Avenue, Salinas, CA 93901. I am readily familiar with this firm's practice for collection and processing of correspondence for mailing with the U.S. Postal Service, and, in the ordinary course of business, correspondence would be deposited with the U.S. Postal Service in the same day it was placed for collection and processing.

☐ BY PERSONAL DELIVERY. By causing a true copy thereof to be delivered by hand at the address(es) shown below.

☒ BY EMAIL SERVICE. By causing a true copy thereof to be transmitted electronically, by "email", to the email addresses set forth below.

☐ BY FACSIMILE TRANSMISSION. By transmitting a true copy thereof by facsimile transmission from facsimile number (831) 422-5550 to the facsimile number(s) shown below.

And addressed as follows:

William J. Goines, Esq.  
 Cindy Hamilton, Esq.  
*Greenberg Traurig, LLP*  
 1900 University Ave., 5<sup>th</sup> Floor  
 East Palo Alto, CA 94303  
 Fax: (650) 328-8508  
 Email: [goinesw@gtlaw.com](mailto:goinesw@gtlaw.com);  
[hamiltonc@gtlaw.com](mailto:hamiltonc@gtlaw.com)

Douglas R. Young, Esq.  
 Karen Kimmey, Esq.  
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 Email: [duttont@gtlaw.com](mailto:duttont@gtlaw.com);  
[hildebrandd@gtlaw.com](mailto:hildebrandd@gtlaw.com)

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

Executed on May 2, 2014, at Salinas, California.

\_\_\_\_\_  
 Steven M. Patterson



|   |  |
|---|--|
| <b>SUPERIOR COURT OF CALIFORNIA, COUNTY OF MONTEREY</b><br>1200 Aguajito Road<br>Monterey, California 93940 | <i>Reserve for Clerk's File Stamp</i><br><b>FILED</b><br><b>JUN 02 2014</b>            |
| <b>Monterey Bay Military, et al vs. Pinnacle Monterey, et al</b>  | <b>TERESA A. RISI</b><br>CLERK OF THE SUPERIOR COURT<br><del>P. ESMERALDA</del> DEPUTY |
| <b>NOTICE RE TRIAL AND SETTLEMENT CONFERENCE</b>  | Case No. <b>M112710</b>  |

Mandatory Settlement Conference is set in Monterey on **October 24, 2014 at 1:30 pm in Courtroom 14**

**Jury Trial: Long Cause Set For February 2, 2015 at 8:30 am, Est. Trial Length Twenty One Days**

Case Type: **Contract: Other (37)**

\* 1200 Aguajito Road, Monterey, California 93940, 2nd Floor

Pursuant to Monterey County Superior Courts' case and trial management policy and rules for civil cases, this case has been designated by the Court as a **CATEGORY 3 CASE**.

It is the responsibility of the litigants to provide their own interpreter who can interpret for them in court.  
**The Court does not provide interpreters.**

Refer to Local Rules or visit <http://www.monterey.courts.ca.gov/>.

**CERTIFICATE OF MAILING**  
 (Code of Civil Procedure Section 1013a)

I do hereby certify that I am employed in the County of Monterey. I am over the age of eighteen years and not a party to the within stated cause. I placed true and correct copies of the **SETTLEMENT CONFERENCE**, for collection and mailing this date following our ordinary business practices. I am readily familiar with the Court's practices for collection and processing correspondence for mailing. On the same day that correspondence is placed for collection and mailing, it is deposited in the ordinary course of business with the United States Postal Services in Salinas, California, in a sealed envelope with postage fully prepaid. The names and addresses of each person to whom notice was mailed is as follows:

William Goines, Esq.  
 1900 University Avenue, 5<sup>th</sup> Floor  
 East Palo Alto, CA 94303

Douglas Young, Esq.  
 235 Montgomery Street  
 San Francisco, CA 94104

Justin O'Connell, Esq.  
 134 Central Avenue  
 Salinas, CA 93901

Date: June 2, 2014

Teresa A. Risi, Clerk of the Court

By: P. Esmeralda  
 P. Esmeralda, Deputy Clerk

**FILED**

JUN 10 2014

**SUPERIOR COURT OF CALIFORNIA,  
COUNTY OF MONTEREY**

**TERESA A. RISI**  
CLERK OF THE SUPERIOR COURT  
P. ESMERALDA DEPUTY

**Monterey Bay Military  
Housing LLC, et. al.,**

**Plaintiff,**

**Case No. M112710**

**v.**

**RULING**

**Pinnacle Monterey LLC, et. al.,**

**Defendant.**

Plaintiffs' Motion to Compel Deposition Subpoenas for Production of Business Records and Plaintiffs' Motion to Amend the Third Amended Complaint were heard on June 6, 2014. After oral argument, the court took the matters under submission. Now, at a later time, the court finds as follows:

***Motion to Compel Deposition Subpoenas for Production of Business Records***

Plaintiffs seek to compel third party, Five Star Services, to produce business records sought in deposition subpoenas. This court finds Five Star's objections deficient. Accordingly, the motion is granted.

***Motion to Amend the Complaint***

Plaintiffs seek to amend the complaint in order to add a federal RICO cause of action. At the hearing, Defendants raised a new argument regarding potential prejudice they will suffer if the complaint is amended due to the recent court approved good faith settlement between Plaintiffs and Defendants Lockton Companies, LLC and Denver Series of Lockton Companies, LLC.

Since this argument was not raised in the Opposition papers, the court grants Plaintiffs the opportunity to submit a memo in Reply to the new contention. The memo is to be filed no later than June 17, 2014.

Date:

**ROBERT O'FARRELL**

---

Hon. Robert A. O'Farrell  
Judge of the Superior Court

**CERTIFICATE OF MAILING**  
(Code of Civil Procedure Section 1013a)

I do hereby certify that I am employed in the County of Monterey. I am over the age of eighteen years and not a party to the within stated cause. I placed true and correct copies of the **Ruling** for collection and mailing this date following our ordinary business practices. I am readily familiar with the Court's practices for collection and processing correspondence for mailing. On the same day that correspondence is placed for collection and mailing, it is deposited in the ordinary course of business with the United States Postal Services in Salinas, California, in a sealed envelope with postage fully prepaid. The names and addresses of each person to whom notice was mailed is as follows:

Justin M. O'Connell, Esq.  
134 Central Avenue  
Salinas, CA 93901

Douglas Rea Young, Esq.  
235 Montgomery Street  
San Francisco, CA 94104

William J. Goines, Esq.  
1900 University Avenue, 5<sup>th</sup> Floor  
East Palo Alto, CA 94303

Kurt D. Hendrickson, Esq.  
300 Capitol Mall, Suite 1125  
Sacramento, CA 95814

Date: **JUN 10 2014**

TERESA A. RISI, Clerk of the Superior Court,  
P. ESMERALDA, Deputy Clerk

//

**FILED**

JUN 19 2014

TERESA A. RISI  
CLERK OF THE SUPERIOR COURT  
DEPUTY

E. Rimando

WILLIAM J. GOINES (SBN: 61290)  
CINDY HAMILTON (SBN: 217951)  
LINDSAY E. HUTNER (SBN: 238998)  
ALICE Y. CHU (SBN: 264990)  
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Telephone: (650) 328-8500  
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THOMAS E. DUTTON (Admitted *Pro Hac Vice*)  
DANIEL G. HILDEBRAND (Admitted *Pro Hac Vice*)  
GREENBERG TRAURIG, LLP  
77 West Wacker Drive, Suite 3100  
Chicago, IL 60601  
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Facsimile: 312-456-8435

Attorneys for Plaintiffs in M115143 / Defendants in M112710  
and Defendant Stanley Harrelson

SUPERIOR COURT OF THE STATE OF CALIFORNIA  
FOR THE COUNTY OF MONTEREY

MONTEREY BAY MILITARY HOUSING,  
LLC, et al.,

Plaintiffs;

v.

PINNACLE MONTEREY LLC, et al.,

Defendants.

Case No. M112710 (M115143)

**DEFENDANTS' APPLICATION FOR ORDER  
TO FILE UNDER SEAL AND ORDER  
THEREON**

Date: June 6, 2014  
Time: 9:00 a.m.  
Dept.: 15

Complaint Filed: June 15, 2011  
Trial Date: February 2, 2015

AND RELATED CROSS-ACTION AND  
CONSOLIDATED ACTION


1 The parties hereto entered into a confidentiality agreement that was entered as an order of the  
 2 court on July 31, 2012 (the "Protective Order") regarding documents and information (Ex. A). The  
 3 Protective Order states that documents and information that have been designated "Confidential"  
 4 shall be labeled as such and filed under seal, and in an envelope that is labeled to identify their  
 5 confidentiality. (Protective Order, pg. 6, line 19.). In February 2014, Plaintiffs and Defendants  
 6 Lockton Companies, LLC and Denver Series of Lockton Companies, LLC (collectively, "Lockton")  
 7 entered into a Settlement Agreement in this action. The Settlement Agreement provides that its terms  
 8 shall be kept confidential. The documents contained in the attached envelope labeled "Confidential  
 9 Information Subject to Protective Order of the Court" contain information subject to the Protective  
 10 Order.

11 Defendants Pinnacle Monterey LLC, Pinnacle Irwin LLC, American Management Services  
 12 California Inc., American Management Services LLC (d/b/a Pinnacle), and Stan Harrelson  
 13 ("Defendants") request that the contents of such envelope, which are (i) an unredacted copy of  
 14 Defendants' Supplemental Opposition To Plaintiffs' Motion To Amend Complaint, which contains  
 15 information taken from the Settlement Agreement and unredacted copy of Lockton's Motion for  
 16 Order Determining Good Faith Settlement, and (ii) an unredacted copy of Lockton's Motion for  
 17 Order Determining Good Faith Settlement, which had been filed under seal on or about March 3,  
 18 2014 and referenced as Exhibit C to the 6/17/14 Chu Declaration filed concurrently herewith, be filed  
 19 under seal.

20 I declare under penalty of perjury under the laws of the State of California that the foregoing  
 21 is true and correct. Executed this 17<sup>th</sup> day of June, 2014 at East Palo Alto, California.

22 Dated: June 17, 2014.

GREENBERG TRAURIG, LLP

23 By: 

24 William J. Goines  
 25 Thomas E. Dutton  
 26 Daniel G. Hildebrand  
 27 Lindsay E. Hutner  
 28 Alice Y. Chu

Attorneys for Plaintiffs in M115143 / Defendants in  
 M112710

ORDER

Pursuant to the Protective Order, the contents of the envelope labeled "Confidential Information Subject to Protective Order of the Court" shall be filed under seal.

Date: JUN 19 2014

THOMAS W. WILLS  
Judge of the Superior Court



# **EXHIBIT A**

Justin M. O'Connell, Esq. (# 232188)  
 Granberg Law Office  
 134 Central Avenue  
 Salinas, California 93901  
 telephone: (831) 422-6565  
 facsimile: (831) 422-5550

**FILED**

JUL 31 2012

CONNIE MAZZEI  
 CLERK OF THE SUPERIOR COURT  
**MARIELA HERNANDEZ**

Jeffrey L. Willian, Esq. (*pro hac vice*)  
 Donna M. Welch, Esq. (*pro hac vice*)  
 Daniel C. Moore, Esq. (*pro hac vice*)  
 Kirkland & Ellis LLP  
 300 N. LaSalle  
 Chicago, IL 60654  
 telephone: (312) 862-2425  
 facsimile: (312) 862-2200

Attorneys for: Plaintiffs

**SUPERIOR COURT OF THE STATE OF CALIFORNIA**

**COUNTY OF MONTEREY**

Monterey Bay Military Housing, LLC, et al.,

Case No. M 112710(M115143)

Plaintiffs,

**CONFIDENTIALITY  
 STIPULATION AND  
 PROTECTIVE ORDER**

vs.

Pinnacle Monterey LLC, et al.,

Defendants.

And consolidated action

WHEREAS plaintiffs Monterey Bay Military Housing, LLC, et al., and defendants Pinnacle Monterey, LLC, et al., and likely non-party witnesses possess highly sensitive, proprietary and confidential information that may be disclosed in responding to discovery requests, audit requests or otherwise in this action and that must be protected in order to preserve their legitimate business and personal financial interests, and

WHEREAS the parties have, through counsel, stipulated to the entry of this Protective Order, to prevent unnecessary dissemination or disclosure of such highly sensitive, proprietary and confidential information, during the course of discovery or

1 otherwise.

## 2 STIPULATION

3 THEREFORE, THE PARTIES STIPULATE that the following may be entered as  
4 the Order of the Court without further notice:

### 5 Definitions

6 1. The following definitions shall apply to this Stipulation and Protective  
7 Order:

8 (a) The term "Confidential Information" means information that the  
9 designating party in good faith reasonably believes will disclose confidential and  
10 nonpublic technical, commercial, financial, personal or business information that  
11 would provide others with an unfair competitive or improper advantage, including  
12 but not limited to trade secrets. Confidential Information also means an individual's  
13 private or personal information which, if disclosed, would violate the privacy rights  
14 of that individual. Confidential Information may include: documents or things  
15 produced in this action, by parties or non-parties, including information or data  
16 produced in electronic media, (during formal discovery or otherwise); responses to  
17 discovery requests; documents and information disclosed in the course of the  
18 parties' exercise of audit rights; information or things disclosed during depositions,  
19 hearings or at trial; and, information or things referred to, contained within or  
20 capable of being derived from expert reports. Information originally designated as  
21 "Confidential Information" shall not retain that status after any ruling by the Court  
22 denying such status to it.

23 (b) The term "designating party" means the party producing or  
24 designating information as Confidential Information under this Stipulation and  
25 Protective Order.

26 (c) The term "receiving party" shall mean the party to whom Confidential

1 Information is produced.

2 (d) The terms "this litigation" and "this action" shall extend to all related  
3 litigation between these parties, as specified in Exhibit A.

4 **Designation of Confidential Information**

5 2. Each designating party who produces or discloses any material that it  
6 believes constitutes Confidential Information shall designate it as such. In designating  
7 Confidential Information, the designating party shall mark the item or each page of a  
8 document "Confidential" or "Confidential-Attorney's Eyes/Auditor's Eyes Only."

9 (a) Confidential Information may be designated as "Confidential-  
10 Attorney's Eyes/Auditor's Eyes Only" when the designating party in good faith  
11 reasonably believes the information constitutes (i) trade secrets, (ii) proprietary  
12 information and technical specifications, (iii) confidential strategic business plans  
13 and projections, and (iv) information that is subject to an express obligation of  
14 confidentiality owed by the designating party to a third-party.

15 (b) There will be no waiver of confidentiality by the inspection of  
16 confidential documents before they are requested by the requesting party and  
17 marked "Confidential" or "Confidential-Attorney's Eyes/Auditor's Eyes Only" and  
18 produced by the designating party.

19 (c) Portions of depositions may be designated "Confidential" or  
20 "Confidential-Attorney's Eyes/Auditor's Eyes Only" if they are so designated when  
21 the deposition is taken or within 30 days after the deposition transcript is received  
22 by the designating party or its counsel. Pending the 30 day transcript review period,  
23 all portions of the transcript and testimony that was not previously designated  
24 "Confidential" or "Confidential-Attorney's Eyes/Auditor's Eyes Only" during the  
25 deposition shall be considered "Confidential."

26 3. The parties recognize that during the course of this litigation, Confidential

1 Information that originated with or is maintained by a non-party may be produced. Such  
 2 information may be designated by any party as "Confidential" or "Confidential- Attorney's  
 3 Eyes/Auditor's Eyes Only" and shall be subject to the restrictions contained in this  
 4 Stipulation and Protective Order. If any Confidential Information is produced by a non-  
 5 party to this litigation, such a non-party shall be considered a "designating party" within  
 6 the meaning of that term as it is used in this Stipulation and Protective Order and the  
 7 parties will each be deemed to be a "receiving party" pursuant to the terms of this  
 8 Stipulation and Protective Order. A receiving party may designate Confidential  
 9 Information produced by a non-party by a notice in writing specifically identifying the  
 10 designated information.

11 4. Except for testimony, documents and things disclosed in open court, in the  
 12 event any designating party produces Confidential Information that has not been correctly  
 13 designated, the designating party may redesignate the information to the same extent as it  
 14 may have designated the information before production, by a subsequent notice in writing  
 15 specifically identifying the redesignated information. The parties shall treat such  
 16 information in accordance with this Stipulation and Protective Order, and shall undertake  
 17 reasonable efforts to correct any disclosure of such information contrary to the  
 18 redesignation. No proof of error, inadvertence, or excusable neglect shall be required for  
 19 such redesignation.

#### 20 Disclosure of the Confidential Information

21 5. Information designated "Confidential" may be disclosed only to the  
 22 following:

23 (a) The attorneys and staff of any law firm acting as outside counsel for a  
 24 party to this action, the attorneys and staff of legal counsel for a party to this action,  
 25 the auditors and staff of any firm acting as outside auditors for a party to this action,  
 26 and those persons specifically engaged for the limited purpose of making

1 photocopies of documents;

2 (b) Independent consultants or experts and their staff not employed by or  
3 affiliated with a party who are retained either as consultants or expert witnesses for  
4 the purpose of this litigation.

5 (c) Employees of either party who provide actual assistance in the  
6 conduct of the litigation in which the information is disclosed, but only to the extent  
7 necessary to allow them to provide that assistance.

8 (d) The Court and Court personnel, and Official Court Reporters to the  
9 extent that Confidential Information is disclosed at a deposition or court session  
10 which they are transcribing.

11 (e) The Superior Court of Muskogee County in the State of Georgia, the  
12 Court of Appeals of Georgia, the Supreme Court of Georgia, the Circuit Court for  
13 the County of Fairfax in the State of Virginia, the Court of Appeal for the State of  
14 California Sixth Appellate District, and the Superior Court of the State of California  
15 County of Monterey, as well as all Court personnel and Official Court Reporters to  
16 the extent that Confidential Information is disclosed at a deposition or court session  
17 which they are transcribing.

18 (f) Any witness (including former employees and/or third party  
19 witnesses) or his or her counsel in preparation for a deposition or for testifying at  
20 trial. Neither a witness nor his or her counsel shall be permitted to retain a copy of  
21 materials designated "Confidential" unless otherwise permitted by the terms of this  
22 Stipulation and Protective Order.

23 (g) The list of persons to whom Confidential Information may be  
24 disclosed identified in this Paragraph 5 may be expanded or modified by mutual  
25 agreement in writing by counsel for the parties to this action without the necessity  
26 of modifying this Stipulation and Protective Order.

1 (h) Information designated as "Confidential-Attorney's Eyes/Auditor's  
2 Eyes Only" shall be disclosed only to those persons described in Paragraphs 5(a),  
3 (b), (d) or (e), or as agreed in accordance with Paragraph 5(g).

4 (i) In addition to the foregoing, documents and other information which  
5 has been designated "Confidential" may also be disclosed, provided, or summarized  
6 to the U.S. Army or to criminal or investigatory authorities.

7 6. Prior to receiving Discovery designated as "Confidential" or "Confidential-  
8 Attorney's Eyes/Auditor's Eyes Only," each party representative, independent expert,  
9 consultant, auditor and their employees shall sign an acknowledgment attached as Exhibit  
10 B that such person has read and agrees to abide by this Order. The receiving party's  
11 counsel shall maintain the original signed acknowledgments.

#### 12 Use and Control of the Confidential Information

13 7. All information designated "Confidential" or "Confidential-Attorney's  
14 Eyes/Auditor's Eyes Only" shall be used by its recipient solely for the purposes of this  
15 litigation and not for any business, competitive or other purpose.

16 8. If Confidential Information is contained in trial testimony, the portion of the  
17 transcript containing such material may be designated as containing Confidential  
18 Information and shall be treated in accordance with this Stipulation and Protective Order.

19 9. Discovery marked "Confidential" or "Confidential-Attorney's  
20 Eyes/Auditor's Eyes Only" to be presented to the Court shall be (1) labeled "Confidential  
21 Information Subject To Protective Order Of The Court" or "Confidential Information-  
22 Attorney's Eyes/Auditor's Eyes Only Subject To Protective Order Of The Court," as the  
23 case may be, and lodged or filed, if lodged or filed at all, under seal and (2) served in  
24 sealed envelopes, or other appropriate containers; labeled "Confidential Information  
25 Subject To Protective Order Of The Court" or "Confidential Information-Attorney's  
26 Eyes/Auditor's Eyes Only Subject To Protective Order Of The Court," as the case may be.



1 Discovery not designated Confidential or Confidential-Attorney's Eyes/Auditor's Eyes  
 2 Only may be lodged or filed with the Court without seal. In sealing any discovery, the  
 3 parties will comply with California Rules of Court Rules 2.550 and 2.551, as well as any  
 4 applicable rules and orders in any other jurisdiction where such information is sought to be  
 5 lodged or filed.

6 10. No person designated in accordance with Paragraphs 5(b), (c), and (g) above  
 7 shall be provided with access to Confidential Information without understanding and  
 8 agreeing to the terms of this Order. Counsel for the party providing such access shall be  
 9 responsible for obtaining such agreement.

10 11. Any party may disclose its own Confidential Information in any manner that  
 11 it considers appropriate.

12 12. Receiving parties shall keep all Confidential Information received from  
 13 others in a secure area to prevent disclosure of Confidential Information to persons not  
 14 authorized under this Stipulation and Protective Order.

#### 15 Duration of Order, Objection, Modifications

16 13. This Stipulation and Protective Order shall remain in full force and effect  
 17 until modified, superseded or terminated by order of this Court, which may be entered  
 18 pursuant to agreement of the parties to this action. This Stipulation and Protective Order  
 19 shall continue in effect after termination of this action and continue to be binding upon all  
 20 persons to whom Confidential Information is disclosed.

21 14. Upon final termination of this action (including all appeals), the designating  
 22 party may demand that the receiving party either return to the designating party (at the  
 23 designating party's expense) or destroy all Confidential Information received from the  
 24 designating party within 30 days of the demand. However, outside counsel for the  
 25 receiving party may retain one copy of the Confidential Information, which shall remain  
 26 subject to this Stipulation and Protective Order.

1 15. If the receiving party learns that Confidential Information produced to it is  
2 disclosed to or comes into the possession of any person other than in the manner  
3 authorized by this Stipulation and Protective Order, the receiving party responsible for the  
4 disclosure must immediately inform the designating party of all pertinent facts relating to  
5 such disclosure and shall make reasonable efforts to prevent disclosure by each  
6 unauthorized person who received such information.

16. Any receiving party may, at any time request that the designating party cancel the "Confidential" or "Confidential-Attorney's Eyes/Auditor's Eyes Only" designation on any information produced. Such request shall be served on counsel for the designating party, and shall particularly identify the designated Confidential Information that the receiving party contends should not be designated as confidential and the reasons supporting its contention. If the designating party does not agree to remove the "Confidential" or "Confidential-Attorney's Eyes/Auditor's Eyes Only" designation, then the party contending that such information should not be designated confidential may file a motion to be relieved from the restrictions of this Stipulation and Protective Order with respect to the information in question. On motion to be relieved from the restrictions of this Stipulation and Protective Order, the burden of demonstrating that the information is Confidential information shall be on the designating party.

19 No Waiver of Privileges

17. Production of documents and things shall not constitute a waiver of confidentiality, privilege or immunity from discovery as to such information. If, during the course of this action, a producing party produces a document or any other piece of information that the producing party thereafter claims to be privileged or protected, the producing party may give notice to the receiving party in writing, and the parties agree that the document or information will be returned to the producing party, and all copies, notes, quotations or summaries thereof will be destroyed within five (5) days.

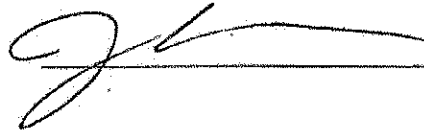
Other Remedies

18. Nothing in this Stipulation and Protective Order shall prevent any party or non party from seeking additional relief from the Court.

Dated this 11<sup>th</sup> day of July, 2012.

Jeffrey L. Willian  
Donna M. Welch  
KIRKLAND & ELLIS LLP  
300 North LaSalle Street  
Chicago, Illinois 60654

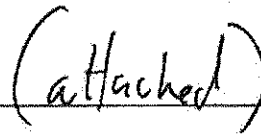
Ronald S. Granberg  
Justin M. O'Connell  
GRANBERG LAW OFFICE  
134 Central Avenue  
Salinas, CA 93901



*Counsel for Plaintiffs Monterey Bay  
Military Housing, LLC, et. al.*

Dated this \_\_\_\_ day of July, 2012.

William J. Goines  
Cindy Hamilton  
Karen Rosenthal  
Alice Y. Chu  
GREENBERG TRAURIG, LLP  
1900 University Avenue, Fifth Floor  
East Palo Alto, California 94303



*Counsel for Defendants Pinnacle  
Monterey, LLC, et al.*

ORDER

Other Remedies

18. Nothing in this Stipulation and Protective Order shall prevent any party or non party from seeking additional relief from the Court.

Dated this \_\_\_\_ day of July, 2012.

Jeffrey L. Willian  
Donna M. Welch  
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300 North LaSalle Street  
Chicago, Illinois 60654

Ronald S. Granberg  
Justin M. O'Connell  
GRANBERG LAW OFFICE  
134 Central Avenue  
Salinas, CA 93901

*Counsel for Plaintiffs Monterey Bay  
Military Housing, LLC, et. al.*

Dated this 11 day of July, 2012.

William J. Goines  
Cindy Hamilton  
Karen Rosenthal  
Alice Y. Chu  
GREENBERG TRAUIG, LLP  
1900 University Avenue, Fifth Floor  
East Palo Alto, California 94303

*Counsel for Defendants Pinnacle  
Monterey, LLC, et al.*

ORDER

1 IT IS ORDERED THAT the above Stipulation of the parties shall stand as and for  
2 the Order of the Court in each and every respect.

3 Dated this 31 day of July 2012.  
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5 LYDIA M. VILLARREAL

6 Superior Court Judge  
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## EXHIBIT A

| Case Name   | Court Name  | Docket Number |
|---|---|---------------|
| Georgia   |   |               |
| Fort Benning Family Communities LLC and Fort Belvoir Residential Communities LLC, Plaintiffs,<br>v.<br>American Management Services East LLC and American Management Services LLC (d/b/a Pinnacle), Defendants. | In the Superior Court of Muscogee County State of Georgia | SU10CV2025-F  |
| American Management Services East LLC and American Management Services LLC (d/b/a Pinnacle), Appellants,<br>v.<br>Fort Benning Family Communities LLC and Fort Belvoir Residential Communities LLC, Appellees.  | In the Court of Appeals of Georgia                        | A11A0855      |
| American Management Services East LLC and American Management Services LLC (d/b/a Pinnacle), Appellants,<br>v.<br>Fort Benning Family Communities, LLC and Fort Belvoir Residential                             | In the Supreme Court of Georgia                           | S12C0630      |

|    |   |   |              |
|----|---|---|--------------|
| 1  | Communities LLC,<br>Appellees.  |   |              |
| 2  |   |   |              |
| 3  | Pinnacle Benning LLC<br>and Clark Pinnacle<br>Benning LLC, by and<br>through Pinnacle<br>Benning LLC, a<br>Member,<br>Plaintiffs,<br>v.<br>Clark Realty Capital<br>LLC, and Clark Benning<br>LLC,<br>Defendants.                          | In the Superior Court of<br>Muscogee County State<br>of Georgia | SU10CV3346-E |
| 4  |   |   |              |
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| 10 |   |   |              |
| 11 | Pinnacle Benning LLC<br>and Clark Pinnacle<br>Benning LLC, by and<br>through Pinnacle<br>Benning LLC,<br>Appellants,<br>v.<br>Clark Realty Capital<br>LLC and Clark Benning<br>LLC,<br>Appellees.   | In the Court of Appeals of<br>Georgia                           | A11A2408     |
| 12 |   |   |              |
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| 18 |   |   |              |
| 19 | American Management<br>Services East LLC and<br>American Management<br>Services LLC (d/b/a<br>Pinnacle),<br>Appellants,<br>v.<br>Fort Benning Family<br>Communities LLC and<br>Fort Belvoir Residential<br>Communities LLC,<br>Appellees. | In the Court of Appeals of<br>Georgia                           | MD-12-14     |
| 20 |   |   |              |
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|----|---|--|------------|
| 1  | American Management Services East LLC and American Management Services LLC (d/b/a Pinnacle), Appellants,                    | In the Court of Appeals of Georgia             | A12A0980   |
| 2  | v.  |  |            |
| 3  | Fort Benning Family Communities LLC and Fort Belvoir Residential Communities LLC, Appellees.                                |  |            |
| 4  | <b>Virginia</b>   |  |            |
| 5  | American Management Services LLC (d/b/a Pinnacle), a Washington Limited Liability Company;                                  | In the Circuit Court for the County of Fairfax | 2010 12127 |
| 6  | American Management Services East LLC, a Washington Limited Liability Company;  |  |            |
| 7  | Pinnacle Belvoir LLC, a Washington Limited Liability Company; and   |  |            |
| 8  | Clark Pinnacle Belvoir LLC, a Virginia Limited Liability Company by and through Pinnacle Belvoir LLC, a Member, Plaintiffs. |  |            |
| 9  | v.  |  |            |
| 10 | Clark Realty Capital LLC, a Delaware Limited Liability Company,   |  |            |
| 11 | Clark Belvoir LLC, a Delaware Limited Liability Company,  |  |            |
| 12 |   |  |            |
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|----|---|--|-------------------|
| 1  | Lawrence C. Nussdorf,<br>Douglas R. Sandor, and<br>W. Cleveland Johnson,<br>Defendants.   |  |                   |
| 2  |   |  |                   |
| 3  |   |  |                   |
| 4  | <b>California Monterey</b>  |  |                   |
| 5  | Monterey Bay Military<br>Housing LLC, et al.,<br>Plaintiffs,<br>v.<br>Pinnacle Monterey LLC,<br>et al.,<br>Defendants.  | Superior Court of the<br>State of California                                     | M112710 (M115143) |
| 6  |   |  |                   |
| 7  |   |  |                   |
| 8  |   |  |                   |
| 9  |   |  |                   |
| 10 | Pinnacle Monterey LLC<br>and Pinnacle Irwin LLC,<br>Petitioners and<br>Defendants,<br>v.<br>The Superior Court of<br>Monterey County,<br>Respondent,  | In the Court of Appeal of<br>the State of California<br>Sixth Appellate District | H037903           |
| 11 |   |  |                   |
| 12 |   |  |                   |
| 13 |   |  |                   |
| 14 |   |  |                   |
| 15 |   |  |                   |
| 16 | Clark Pinnacle Monterey<br>Bay LLC, Clark<br>Monterey Presidio LLC,<br>Clark Pinnacle California<br>Military Communities<br>LLC, and Clark Irwin<br>LLC,<br>Plaintiffs and Real<br>Parties in Interest. |  |                   |
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| 21 |   |  |                   |
| 22 | <b>California Irwin</b>   |  |                   |
| 23 | Pinnacle Irwin, et al.,<br>Plaintiffs,<br>v.<br>Clark Realty Capital<br>LLC et al.,<br>Defendants.  | Superior Court of the<br>State of California<br>County of Santa Clara            | 111CV203155       |
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## EXHIBIT B

## ACKNOWLEDGMENT AND CONSENT TO JURISDICTION

I, \_\_\_\_\_, acknowledge that I have been given a copy of and have read the Confidentiality Stipulation and Protective Order (hereafter, the "Order") in [case name], Case No. \_\_\_\_\_, and I agree to be bound by its terms. I acknowledge and agree that any Discovery, as defined in the Order, received by me in connection with this matter and marked "Confidential" or "Confidential-Attorney's Eyes/Auditor's Eyes Only" (hereafter, "Counsel Only"), and any copies, excerpts, summaries and abstracts of such Discovery, shall not be disclosed to or discussed with anyone except as expressly provided in the Order. I further acknowledge and agree that all Discovery received by me in connection with this matter and marked Confidential or Counsel Only, or documents prepared by me based in any way upon such Discovery, shall be used only in the prosecution or defense, including any appeal, of this matter and shall be returned or destroyed at the conclusion of the case.

I consent to the jurisdiction of the Superior Court of California in and for the County of Monterey for the purposes of enforcing the Order and penalizing violations thereof.

I declare under penalty of perjury under the laws of the United States of America and the State of California that the foregoing is true and correct.

EXECUTED on \_\_\_\_\_, at \_\_\_\_\_.

Date

Location

\_\_\_\_\_  
Name

Monterey Bay Military Housing, et al. v. Pinnacle Monterey LLC, et al.

Case No. M112710(M115143)

### PROOF OF SERVICE

I, Melinda L. Bailey, declare that I am a citizen of the United States, over the age of eighteen years and not a party to the within action. I am an employee of GREENBERG TRAURIG, LLP, and my business address is 1900 University Avenue, Fifth Floor, East Palo Alto, CA 94303. On the date set forth below, I served the following documents:

#### DEFENDANTS' APPLICATION FOR ORDER TO FILE UNDER SEAL AND ORDER THEREON

- ☐ by transmitting via **FACSIMILE** the document(s) listed above to the fax numbers) set forth below, or as stated on the attached service list, on this date at approximately \_\_\_\_\_, from the sending facsimile machine telephone number of 650-289-7893. The transmission was reported as complete and without error by the machine. Pursuant to California Rules of Court, Rule 2008(e)(4), I caused the machine to print a transmission record of the transmission, a copy of which is attached to the original of this declaration. The transmission report was properly issued by the transmitting facsimile machine.
- ☒ by placing the document(s) listed above in a sealed envelope with postage thereon fully prepaid, in the **UNITED STATES MAIL** at East Palo Alto, California, addressed as set forth below.
- ☐ by **OVERNIGHT MAIL** by placing the document(s) listed above in a sealed overnight mail envelope with postage thereon fully prepaid, addressed as set forth below.
- ☒ **(BY ELECTRONIC MAIL ("EMAIL") SERVICE).** I caused such document(s) to be transmitted electronically to the email addresses as set forth below.
- ☐ **(BY MESSENGER PERSONAL SERVICE).** I caused delivery of such envelope by hand via courier service to the offices of the addressee.

#### Counsel for Plaintiffs

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#### Counsel for Plaintiffs

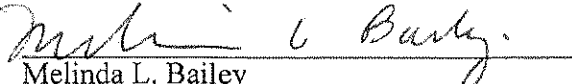
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I am readily familiar with the business practice of my place of employment in respect to the collection and processing of correspondence, pleadings and notices for mailing with United States Postal Service/Express Mail, Federal Express and other overnight mail services. The foregoing sealed envelope was placed for collection and mailing this date consistent with the ordinary business practice of my place of employment, so that it will be picked up this date with postage thereon fully prepaid at East Palo Alto, California, in the ordinary course of such business.

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct. Executed on June 17, 2014, at East Palo Alto, California.

  
Melinda L. Bailey

1 WILLIAM J. GOINES (SBN: 61290)  
2 CINDY HAMILTON (SBN: 217951)  
3 LINDSAY E. HUTNER (SBN: 238998)  
4 ALICE Y. CHU (SBN: 264990)  
5 GREENBERG TRAUIG, LLP  
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6 THOMAS E. DUTTON (Admitted *Pro Hac Vice*)  
7 DANIEL G. HILDEBRAND (Admitted *Pro Hac Vice*)  
8 GREENBERG TRAUIG, LLP  
9 77 West Wacker Drive, Suite 3100  
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10 Attorneys for Plaintiffs in M115143 / Defendants in M112710  
11 and Defendant Stanley Harrelson

12 SUPERIOR COURT OF THE STATE OF CALIFORNIA  
13 FOR THE COUNTY OF MONTEREY  
14

15 MONTEREY BAY MILITARY HOUSING,  
16 LLC, et al.,

17 Plaintiffs;

18 v.

19 PINNACLE MONTEREY LLC, et al.,

20 Defendants.  
21  
22

Case No. M112710 (M115143)

**~~PROPOSED~~ ORDER GRANTING ADAM B. LANDA'S APPLICATION TO APPEAR PRO HAC VICE ON BEHALF OF DEFENDANTS PINNACLE MONTEREY LLC, PINNACLE IRWIN LLC, AMERICAN MANAGEMENT SERVICES CALIFORNIA INC., AND AMERICAN MANAGEMENT SERVICES LLC (D/B/A PINNACLE)**

Date: July 11, 2014  
Time: 9:00 a.m.  
Dept: 15

23  
24 Defendants Pinnacle Monterey LLC, Pinnacle Irwin LLC, American Management Services  
25 California Inc., American Management Services LLC (d/b/a Pinnacle), and Stan Harrelson in the  
26 M112710 Action, and Plaintiffs Pinnacle Irwin LLC and Pinnacle Monterey LLC in the M115143  
27 Consolidated Action's Application pursuant to Rule 9.40 of the California Rules of Court for an  
28

**FILED**

JUL 17 2014

TERESA A. RISI  
CLERK OF THE SUPERIOR COURT  
DEPUTY

**V. Stolorow**

FILED BY FACSIMILE



1 Order permitting Adam B. Landa of Greenberg Traurig, LLP to appear *pro hac vice* in this matter as  
2 an attorney of record for Defendants came regularly before me.

3 Having considered all papers filed in support of the Application, the Court finds that good  
4 cause exists for granting the Application.

5 IT IS HEREBY ORDERED THAT the Application is granted in its entirety and Adam B.  
6 Landa of Greenberg Traurig, LLP, is hereby admitted *pro hac vice* to act as counsel of record in this  
7 action on behalf of Defendants.

8  
9 Dated: JUL 17 2014

THOMAS W. WILLS  
Judge of the Superior Court

Monterey Bay Military Housing, et al. v. Pinnacle Monterey LLC, et al.

Case No. M112710(M115143)

### PROOF OF SERVICE

I, Melinda L. Bailey, declare that I am a citizen of the United States, over the age of eighteen years and not a party to the within action. I am an employee of GREENBERG TRAURIG, LLP, and my business address is 1900 University Avenue, Fifth Floor, East Palo Alto, CA 94303. On the date set forth below, I served the following documents:

**[PROPOSED] ORDER GRANTING ADAM B. LANDA'S APPLICATION TO APPEAR PRO HAC VICE ON BEHALF OF DEFENDANTS PINNACLE MONTEREY LLC, PINNACLE IRWIN LLC, AMERICAN MANAGEMENT SERVICES CALIFORNIA INC., AND AMERICAN MANAGEMENT SERVICES LLC (D/B/A PINNACLE)**

- ☒ by transmitting via **FACSIMILE** the document(s) listed above to the fax numbers) set forth below, or as stated on the attached service list, on this date at approximately \_\_\_\_\_, from the sending facsimile machine telephone number of 650-289-7893. The transmission was reported as complete and without error by the machine. Pursuant to California Rules of Court, Rule 2008(e)(4), I caused the machine to print a transmission record of the transmission, a copy of which is attached to the original of this declaration. The transmission report was properly issued by the transmitting facsimile machine.
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**Counsel for Plaintiffs**

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Justin O'Connell, Esq.  
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ron@granberg.com

**Counsel for Plaintiffs**


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*Counsel for John Goodman and Goodman  
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kkimmey@fbm.com

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I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct. Executed on June 10, 2014, at East Palo Alto, California.

  
Melinda L. Bailey

Ronald S. Granberg, Esq. (Bar No. 80111)  
Justin M. O'Connell, Esq. (Bar No. 232188)  
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Jeffrey L. Willian, Esq. (*pro hac vice*)  
Donna M. Welch, Esq. (*pro hac vice*)  
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Attorneys for: Plaintiffs

**SUPERIOR COURT OF THE STATE OF CALIFORNIA  
COUNTY OF MONTEREY**

Monterey Bay Military Housing, LLC,  
et al.,

Plaintiffs,

vs.

Pinnacle Monterey LLC, et al.,

Defendants.

And related consolidated action.

Case No. M 112710 (M115143)

**NOTICE OF ENTRY OF  
ORDER**

Notice is hereby given that on July 24, 2014 the Court entered the attached  
Stipulation and Order Thereon.

Date

7/29/14

Justin M. O'Connell, Esq.

**FILED**

**JUL 24 2014**

**TERESA A. RISI**  
CLERK OF THE SUPERIOR COURT  
~~J. NICHOLSON~~ DEPUTY

1 **Ronald S. Granberg, Esq. (Bar No. 80111)**  
2 **Justin M. O'Connell, Esq. (Bar No. 232188)**  
3 **Granberg Law Office**  
4 **134 Central Avenue**  
5 **Salinas, California 93901**  
6 **telephone: (831) 422-6565**  
7 **facsimile: (831) 422-5550**

8 **Jeffrey L. Willian, Esq. (pro hac vice)**  
9 **Donna M. Welch, Esq. (pro hac vice)**  
10 **Daniel C. Moore, Esq. (pro hac vice)**  
11 **Kirkland & Ellis LLP**  
12 **300 N. LaSalle**  
13 **Chicago, IL 60654**  
14 **telephone: (312) 862-2425**  
15 **facsimile: (312) 862-2200**

16 **Attorneys for: Plaintiffs**

17 **SUPERIOR COURT OF THE STATE OF CALIFORNIA**  
18 **COUNTY OF MONTEREY**

19 **Monterey Bay Military Housing, LLC,**  
20 **et al.,**

21 **Plaintiffs,**

22 **vs.**

23 **Pinnacle Monterey LLC, et al.,**  
24 **Defendants.**

25 **And related cross-complaint and**  
26 **consolidated action.**

**Case No. M112710 (M115143)**

**STIPULATION AND ORDER**  
**THEREON**

27 **Monterey Bay Military Housing, LLC, Clark Pinnacle Monterey Bay LLC,**  
28 **Clark Monterey Presidio LLC, California Military Communities LLC, Clark**  
**Pinnacle California Military Communities LLC, and Clark Irwin LLC (collectively**  
**"Plaintiffs"), hereby enter into a stipulation with Pinnacle Monterey LLC, Pinnacle**  
**Irwin LLC, American Management Services California Inc., and American**  
**Management Services LLC d/b/a Pinnacle (collectively "Pinnacle") as follows:**

**///**

FILED BY FACSIMILE

- 1 1. To the extent that Pinnacle, in producing Yardi data and/or Yardi databases to
- 2 Plaintiffs in connection with this litigation, produces any Yardi data that
- 3 relate to Pinnacle projects other than those at issue in this litigation (i.e., data
- 4 relating to projects other than Fort Benning, Fort Belvoir, Monterey, or the
- 5 Irwin/Moffett/Parks projects) (hereafter "Other Project Data"), Plaintiffs
- 6 agree not to make use of any such Other Project Data in connection with this
- 7 litigation or otherwise.
- 8 2. Plaintiffs' attorneys, auditors or agents also agree to make a good faith effort
- 9 to avoid reviewing such Other Project Data, and to only review such data to
- 10 the extent necessary to determine which project it relates to.
- 11 3. Plaintiffs further agree that Yardi data shall be treated as Confidential in
- 12 accordance with the July 31, 2012 Confidentiality Stipulation and Protective
- 13 Order on file herein.

14  
15 7-18-14  
16 Date

17  
18 7/18/14  
19 Date

20   
21 , attorney for Plaintiffs

22   
23 , attorney for Pinnacle

24 **ORDER**

25 So ordered.

26 **JUL 24 2014.**

27 Date

28 **THOMAS W. WILLS**  
Judge of the Superior Court

FILED BY FACSIMILE



**MONTEREY BAY HOUSING v. PINNACLE MONTEREY**      **CASE NO. M 112710**  
**(M115143)**

**PROOF OF SERVICE**

I am employed in the County of Monterey, State of California. I am over the age of eighteen years and not a party to the within action. My business address is 134 Central Avenue, Salinas, California.

On July 22, 2014, I caused the following documents entitled:

**STIPULATION AND ORDER THEREON**

to be served on the party(ies) or its (their) attorney(s) of record in this action listed below by the following means:

☒ **BY MAIL.** By placing a true copy thereof in a sealed envelope (with postage affixed thereto) in the U.S. Mail at the Law Office of Ronald S. Granberg, 134 Central Avenue, Salinas, CA 93901. I am readily familiar with this firm's practice for collection and processing of correspondence for mailing with the U.S. Postal Service, and, in the ordinary course of business, correspondence would be deposited with the U.S. Postal Service in the same day it was placed for collection and processing.

☐ **BY PERSONAL DELIVERY.** By causing a true copy thereof to be delivered by hand at the address(es) shown below.

☐ **BY OVERNIGHT DELIVERY.** By causing a true copy to be sent by overnight mail, UPS delivery, or Federal Express delivery, with delivery charges to be billed to the Law Office of Ronald S. Granberg.

☒ **BY EMAIL SERVICE.** By causing a true copy thereof to be transmitted electronically, by "email", to the email addresses set forth below.

☐ **BY FACSIMILE TRANSMISSION.** By transmitting a true copy thereof by facsimile transmission from facsimile number (831) 422-5550 to the facsimile number(s) shown below.

And addressed as follows:

William J. Goines, Esq.  
 Cindy Hamilton, Esq.  
*Greenberg Traurig, LLP*  
 1900 University Ave., 5<sup>th</sup> Floor  
 East Palo Alto, CA 94303  
 Fax: (650) 328-8508  
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Douglas R. Young, Esq.  
 Karen Kimmey, Esq.  
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[hildebrandd@gtlaw.com](mailto:hildebrandd@gtlaw.com)

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

Executed on July 22, 2014, at Salinas, California.

  
 Steven M. Patterson



**MONTEREY BAY HOUSING v. PINNACLE MONTEREY****CASE NO. M 112710  
(M115143)****PROOF OF SERVICE**

I am employed in the County of Monterey, State of California. I am over the age of eighteen years and not a party to the within action. My business address is 134 Central Avenue, Salinas, California.

On July 29, 2014, I caused the following documents entitled:

**NOTICE OF ENTRY OF ORDER**

to be served on the party(ies) or its (their) attorney(s) of record in this action listed below by the following means:

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Douglas R. Young, Esq.  
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Thomas Dutton, Esq.  
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[hildebrandd@gtlaw.com](mailto:hildebrandd@gtlaw.com)

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

Executed on July 29, 2014, at Salinas, California.

Steven M. Patterson